

REMARKS

In the prior action, claims 1 and 3 – 13 were rejected under 35 U.S.C. §112 first paragraph as lacking support. These claims have been canceled rendering the rejection moot.

New claims 14 – 16 are supported by the present specification. *See, e.g.* paragraphs 21, 22, 28, 30, 31 and 36.

THE ART REJECTION

In the prior action, the examiner rejected claims 1, and 3 – 13 under 35 U.S.C. §102(b) as anticipated by Cart. Applicant respectfully submits that new claims 14 – 16 are not anticipated by Cart.

To anticipate a claim under 35 U.S.C. §102, a reference must teach every element of the claim, see M.P.E.P. §2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. §102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. §2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). The 35 U.S.C. §102 rejection of record fails to establish a 35 U.S.C. §102 rejection in accordance with the foregoing requirements.

While Cart appears to disclose the use of crumb rubber particles, it uses a different method for sealing the lost circulation zone. Cart first compresses the crumb rubber particles to a size smaller than their original size. The compressed rubber is then introduced into the circulation zone when the compressed particles enter into the cracks and voids present in the well lease. The form compressing the particles is then reversed and the particles return to their normal or original size thereby sealing the cracks and voids.

In the present invention, the sealing of the well base is by expansion of the particles to greater than their original size. This is not taught or suggested by Cart. In Cart, once the particles return to the original size, no further expansion will occur as the walls of the cracks or voids would prohibit further expansion. Thus Cart actually teaches away from the present invention. Given Cart’s failure to teach all of the elements of the claims, Cart cannot anticipate the claims. Applicant respectfully requests the examiner to withdraw the rejection.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02901US1 from which the undersigned is authorized to draw.

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Respectfully submitted,

By 
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